THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.26286 OF 2007

DATE: 20.12.2007.

Between:

Polisetty Mangayamma, W/o.Late Satyanarayana
And another.

...Petitioners.

AND

The District Collector, Khammam
and two others

...Respondents.

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ORDER:

It is the case of the petitioners that they are in possession and occupation of an extent of Ac.0.03 cents of land in Survey No.46/1P of Venkatapuram Village and Mandal, Khammam District over a period of 60 years.

In respect of the house constructed by them, house-hold certificate was also issued in their favour by the Mandal Revenue Officer (Tahasildar), Venkatapuram vide proceedings No.B/206/2002, dated 20.08.2002 and B/204/2002, dated 10.08.2002 respectively. Thereafter, the Mandal Revenue Officer issued a notice under Section 7 of the A.P. Encroachment Lands Act, 1905 (for short 'the Act') on 29.03.2005 stating that the petitioners have encroached 10 cents of land in Survey No.46, however, further action has been dropped without passing any final order under Section 6 of the Act. While so, the Mandal Revenue Officer, Venkatapuram again issued notices dated 03.12.2007, calling upon the petitioners to submit explanation as to why the petitioners shall not be dispossessed in respect of the said land of Ac.0.05 cents in Survey No.46/1, which is said to have been encroached by the petitioners. It is stated that the petitioners said to have submitted explanation/representation on the next day i.e. on 04.12.2007 itself, addressed to the District Collector marking copies to the Tahasildar, Venkatapuram.

If any such representation/explanation is received by respondent No.3 i.e. Tahasildar, Venkatapuram, unless the same is considered and final orders are passed under Section 6 of the A.P. Encroachment Act, the petitioners shall not be dispossessed.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

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V.ESWARAIAH, J.

Date:20.12.2007.
Note: Issue Copy
in three days
(B/o)
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